

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JIM R. HUNTER, Personal Representative  
of the estate of Robert C. Ramsey, deceased,**

**Plaintiff,**

**v.**

**No. 11-cv-0954 SMV**

**ADMINISTRATOR OF THE LUNA COUNTY  
DETENTION CENTER;  
LUNA COUNTY DETENTION CENTER;  
BOARD OF COUNTY COMMISSIONERS, LUNA COUNTY,  
DEMING, NEW MEXICO;  
LUNA COUNTY MANAGER;  
JOHN DOES, unknown;  
JANE DOES, unknown; and  
OFFICERS OF LUNA COUNTY DETENTION CENTER,**

**Defendants.**

**MEMORANDUM OPINION AND ORDER DENYING AS MOOT  
DEFENDANT LUNA COUNTY DETENTION CENTER AND LUNA COUNTY  
MANAGER'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

THIS MATTER is before the Court on Defendant Luna County Detention Center and Luna County Manager's Motion to Dismiss Plaintiff's Complaint [Doc. 34], Defendants Luna County Manager and Luna County Detention Center's Memorandum in Support of Their Motion to Dismiss Plaintiff's Complaint (Doc. 1-2) Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure [Doc. 35], and Errata to Defendant Luna County Manager and Luna County Detention Center's Memorandum in Support of Motion to Dismiss (Doc. 35) [Doc. 36] (collectively "Motion to Dismiss"). On May 1, 2012, Plaintiff filed Plaintiff's Memorandum in Response to Defendant Board of County Commissioners [sic] and Luna County Manager's Motion to Dismiss Plaintiff's Complaint [Doc. 37]. On May 14, 2012, Defendants Luna County Detention Center and Luna

County Administrator filed their Memorandum in Reply Concerning Defendant Luna County Manager and Luna County Detention Center's Motion to Dismiss (Doc[s]. 34, 35) [Doc. 39].

On May 24, 2012, the Court filed its Memorandum Opinion and Order Granting County's Motion to Dismiss and Granting in Part and Denying in Part Plaintiff's Motion to Amend Complaint [Doc. 42]. The Court granted Plaintiff's motion for leave to amend his Complaint with respect to all Defendants except the Board of County Commissioners. *Id.* at 21. Because the Motion to Dismiss challenges the allegations made in the original Complaint and not the forthcoming First Amended Complaint, it is moot.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Defendant Luna County Detention Center and Luna County Manager's Motion to Dismiss Plaintiff's Complaint [Doc. 34] is **DENIED** as moot. Nothing herein shall prevent Defendants from filing a motion to dismiss in response to the First Amended Complaint.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**  
**Presiding by Consent**